

Highly Confidential - Subject to Further Confidentiality Review

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

CITY OF HUNTINGTON,
WEST VIRGINIA,

Plaintiff,

vs.

CASE NO. 3:17-cv-01362

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

CABELL COUNTY COMMISSION,

Plaintiff,

vs.

CASE NO. 3:17-cv-01665

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
CONFIDENTIALITY REVIEW
WITNESS: TODD DAVIES, Ph.D.

The remote videotaped deposition of
Todd Davies, Ph.D. was remotely taken before
Janine N. Leroux, Stenographic Court Reporter on
Tuesday, July 28, 2020, commencing at the
approximate hour of 8:14 a.m. Said deposition
was taken for purposes of discovery, for use at
trial, or for such other purpose under the Federal
Rules of Civil Procedure.

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| <p>1 APPEARANCES:</p> <p>2 DAVID BURNETT, ESQUIRE</p> <p>3 ANNE KEARSE, ESQUIRE</p> <p>4 MONIQUE CHRISTENSON, ESQUIRE</p> <p>5 MOTLEY RICE LLC</p> <p>6 28 Bridgeside Boulevard</p> <p>7 Mount Pleasant, South Carolina 29464</p> <p>8 akearse@motleyrice.com</p> <p>9 dburnett@motleyrice.com</p> <p>10 mchristenson@motleyrice.com</p> <p>11 APPEARING REMOTELY ON BEHALF OF THE PLAINTIFFS</p> <p>12 SHANA E. RUSSO, ESQUIRE</p> <p>13 REED SMITH LLP</p> <p>14 506 Carnegie Center</p> <p>15 Suite 300</p> <p>16 Princeton, New Jersey 08540</p> <p>17 srusso@reedsmith.com</p> <p>18 APPEARING REMOTELY ON BEHALF OF AMERISOURCEBERGEN</p> <p>19 JOEL P. JONES, JR., ESQUIRE</p> <p>20 CAMPBELL WOODS, PLLC</p> <p>21 1002 Third Avenue</p> <p>22 Huntington, West Virginia 25719</p> <p>23 joeljones@campbellwoods.com</p> <p>24 APPEARING REMOTELY ON BEHALF OF TODD DAVIES, Ph.D.</p> <p>25 CLAYTON BAILEY, ESQUIRE</p> <p>COVINGTON & BURLING, LLP</p> <p>One CityCenter</p> <p>850 Tenth Street, NW</p> <p>Washington, DC 20001</p> <p>cbailey@cov.com</p> <p>APPEARING REMOTELY ON BEHALF OF McKESSON</p> <p>ALSO APPEARING REMOTELY:</p> <p>DEVYN MULHOLLAND, VIDEOGRAPHER</p> <p>ALYSSA CONN</p> | <p>1 EXHIBITS CONTINUED</p> <p>2 AMERISOURCEBERGEN'S FOR IDENTIFICATION</p> <p>3 Exhibit No. 14 Corrected Joint and 164</p> <p>4 Third Amended Complaint</p> <p>5 Exhibit No. 15 Dr. Davies' LinkedIn Page 175</p> <p>6 Exhibit No. 16 05/01/19 Email 216</p> <p>7 GCSAPT_FEDWV_00007405 - 7407</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |
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| <p>1 INDEX</p> <p>2 WITNESS: TODD DAVIES, Ph.D. PAGE</p> <p>3 DIRECT EXAMINATION</p> <p>4 By Mr. Burnett 6-134</p> <p>5 DIRECT EXAMINATION</p> <p>6 By Ms. Russo..... 134-241</p> <p>7 REPORTER'S CERTIFICATE (Read & Sign)..... 243-245</p> <p>8 E X H I B I T S</p> <p>9 PLAINTIFF'S FOR IDENTIFICATION</p> <p>10 Exhibit No. 1 Dr. Davies' Research Interests 9</p> <p>11 Exhibit No. 2 Dr. Davies' Biosketch 9</p> <p>12 Exhibit No. 2A Dr. Davies' Curriculum Vitae 182</p> <p>13 Exhibit No. 3 PROACT Document 42</p> <p>14 MarshallHealth-00000001 - 07</p> <p>15 Exhibit No. 4 Native Document Coversheet 73</p> <p>16 MarshallHealth-00002227</p> <p>17 Exhibit No. 5 Exposed Births/NAS - List 73</p> <p>18 Exhibit No. 6 Addictive Behaviors - Article 89</p> <p>19 Exhibit No. 7 Novel Withdrawal Symptoms 102</p> <p>20 Exhibit No. 8 Polydrug Abuse - Article 103</p> <p>21 Exhibit No. 9 Management Strategy - Article 105</p> <p>22 Exhibit No. 10 Opioid Use Disorder - Chart 109</p> <p>23 Exhibit No. 11 OUD Population - Chart 115</p> <p>24 Exhibit No. 12 West Virginia Overdose 121</p> <p>Deaths - Chart</p> <p>25 Exhibit No. 13 Marshall MAT-LINK Project App 129</p> <p>MarshallHealth-00000693 - 717</p> | <p>1 THE VIDEOGRAPHER: We are now on the</p> <p>2 record. My name is Devn Mulholland. I'm a</p> <p>3 videographer with Golkow Litigation Services.</p> <p>4 Today's date is July 28th, 2020. The time is</p> <p>5 8:14 a.m. Eastern Time.</p> <p>6 This remote video deposition is being</p> <p>7 held in the matter of Opioid Litigation, City</p> <p>8 of Huntington, West Virginia vs.</p> <p>9 AmerisourceBergen, et al. The deponent is</p> <p>10 Todd Davies, Ph.D.</p> <p>11 All parties to this deposition are</p> <p>12 appearing remotely and have agreed to the</p> <p>13 witness being sworn in remotely. Due to the</p> <p>14 nature of remote reporting, please pause</p> <p>15 briefly before speaking to ensure all parties</p> <p>16 are heard completely.</p> <p>17 Counsel will be noted on the</p> <p>18 stenographic record. The court reporter is</p> <p>19 Janine Leroux and will now swear in the</p> <p>20 witness.</p> <p>21 THE COURT REPORTER: Raise your right</p> <p>22 hand, please. Do you swear or affirm to tell</p> <p>23 the truth, the whole truth, nothing, but the</p> <p>24 truth?</p> <p>25 THE WITNESS: I do.</p> |

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| <p style="text-align: right;">Page 38</p> <p>1 And you referred to MAT, or medically</p> <p>2 assisted treatment I believe is -- is the term, is</p> <p>3 that right?</p> <p>4 A Medication-assisted treatment.</p> <p>5 Q Right. What is medication-assisted</p> <p>6 treatment?</p> <p>7 A So when you -- when you -- when folks</p> <p>8 are treated with addictions, so we look at the</p> <p>9 treatment, and the treatment is the psychosocial,</p> <p>10 it's -- it's the cognitive behavioral therapy.</p> <p>11 It's the, you know, recreation of healthy social</p> <p>12 systems. It's all of the behavior -- you know,</p> <p>13 opioid use disorder, substance use disorder are</p> <p>14 behavioral health issues. And so it's that</p> <p>15 behavioral health portion is the treatment.</p> <p>16 Now, some folks have trouble</p> <p>17 stabilizing their dopamine system. So if you</p> <p>18 don't have a healthy dopamine system, then it --</p> <p>19 it's hard to be receptive to cognitive behavioral</p> <p>20 therapy. There's the high -- you know, high level</p> <p>21 of relapse for -- for those individuals, and so</p> <p>22 what you have is either methadone or buprenorphine</p> <p>23 is used. They're opiates. They're -- methadone</p> <p>24 is an agonist/antagonist. Buprenorphine is a</p> <p>25 partial agonist/partial antagonist. Or you have</p> | <p style="text-align: right;">Page 40</p> <p>1 MET resources in the Cabell Huntington area?</p> <p>2 A I am fairly familiar, yes.</p> <p>3 Q Just, you know, broadly speaking,</p> <p>4 what -- what are -- what are the main avenues to</p> <p>5 obtain MAT locally?</p> <p>6 A Well, you've got PROACT, which is</p> <p>7 the -- which is a collaboration between Marshall</p> <p>8 Health and Valley Health where you get a</p> <p>9 buprenorphine MAT. There's the Huntington</p> <p>10 Comprehensive Treatment Center where you can get</p> <p>11 methadone or a buprenorphine MAT. I think both of</p> <p>12 them provide some Vivitrol. There's -- there's a</p> <p>13 couple of other agencies.</p> <p>14 Recovery Point has just opened a</p> <p>15 behavioral health center where they provide</p> <p>16 Vivitrol-based medications, just the treatment.</p> <p>17 Those are the primary sources.</p> <p>18 Pretera Center, we can't forget them.</p> <p>19 They're a licensed behavioral health center in --</p> <p>20 in the community. They provide I think all three</p> <p>21 MAT depending on -- on the -- on the sources.</p> <p>22 Although their specialty is really the compound</p> <p>23 issues where people have multiple behavioral</p> <p>24 health issues.</p> <p>25 Q Okay. And based on your understanding,</p> |
| <p style="text-align: right;">Page 39</p> <p>1 Vivitrol, which is an antagonist opioid therapy,</p> <p>2 that you use to help stabilize these patients in</p> <p>3 terms of their dopamine system, so the cognitive</p> <p>4 behavioral therapy is more effective.</p> <p>5 Q Okay. So to summarize then, MAT is one</p> <p>6 way of addressing opioid use disorder?</p> <p>7 A It's a pharmacologically-assisted</p> <p>8 treatment for opioid use disorder.</p> <p>9 Q Right. In your opinion, is MAT</p> <p>10 effective in treating opioid use disorder?</p> <p>11 A Well -- and, you know -- yeah.</p> <p>12 MR. JONES: Before you move on, this</p> <p>13 isn't necessarily an objection but an</p> <p>14 observation. You know, Dr. Davies is here as</p> <p>15 a fact witness. He's not a retained expert.</p> <p>16 MR. BURNETT: Yeah. Yeah.</p> <p>17 MR. JONES: He's not here to opine on</p> <p>18 expert matters for trial purpose. So --</p> <p>19 MR. BURNETT: Sure. That's fair.</p> <p>20 MR. JONES: -- if you can, let's try and</p> <p>21 just keep it to fact matters to the best --</p> <p>22 the best of our ability.</p> <p>23 MR. BURNETT: That's fair. Yep.</p> <p>24 BY MR. BURNETT:</p> <p>25 Q Dr. Davies, are you familiar with local</p> | <p style="text-align: right;">Page 41</p> <p>1 is it fair to say that those outlets need more</p> <p>2 resources so they are able to provide more care to</p> <p>3 more people?</p> <p>4 A Well, I mean I'm not in their books,</p> <p>5 but they all say they do.</p> <p>6 Q Right. Okay. So in addition to</p> <p>7 providing MAT, do those outlets also provide</p> <p>8 counseling and other forms of therapy?</p> <p>9 A Of course. I mean that's -- you can't</p> <p>10 have MAT without counseling.</p> <p>11 Q Right. Okay. Is it your view that</p> <p>12 there is an opioids epidemic in the Cabell</p> <p>13 Huntington area currently?</p> <p>14 MS. RUSSO: Objection to form.</p> <p>15 THE WITNESS: I don't know, what is</p> <p>16 that?</p> <p>17 MR. JONES: Defense counsel objected to</p> <p>18 the form of the question, but you can answer</p> <p>19 the question.</p> <p>20 THE WITNESS: Okay. Sorry.</p> <p>21 A I just -- well, I mean it -- you have</p> <p>22 to -- first, you have to define what -- what</p> <p>23 epidemic is, right?</p> <p>24 Q Sure.</p> <p>25 A Is there a -- is there a -- a higher</p> |

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